

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JERRY LYNN WELTY,

Plaintiff,

v.

**CAROLYN W. COLVIN,
ACTING COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

Case No. 2:12-cv-776

**JUDGE GREGORY L. FROST
Magistrate Judge Mark R. Abel**

ORDER

This matter is before the Court for consideration of Plaintiff's December 1, 2015 motion for attorney fees (ECF No. 22), the Magistrate Judge's February 12, 2016 Report and Recommendation (ECF No. 24), and Plaintiff's February 18, 2016 notice of waiver of objections (ECF No. 25). In the motion for attorney fees, Plaintiff seeks a total fee award of \$21,334.07, with \$18,167.03 to be paid from Plaintiff's benefits award and \$3,167.04 retained from the prior fee award under the Equal Access to Justice Act ("EAJA").

In the Report and Recommendation, the Magistrate Judge thoroughly analyzed the fee application and recommended that the Court grant the motion for attorney fees so that counsel is awarded \$12,930.46, to be added to the \$3,167.04 previously retained from the EAJA fee award. The Magistrate Judge also advised the parties that the failure to object within fourteen days would result in "a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." (ECF No. 24, at Page ID # 883.)

Plaintiff has since filed a notice indicating waiver of the right to object to the Report and

Recommendation and asking the Court to adopt the Report and Recommendation. This Court has reviewed the well-reasoned Report and Recommendation and agrees with the Magistrate Judge's reasoning and recommendation. Consequently, the Court **ADOPTS** the Report and Recommendation (ECF No. 24) and **GRANTS** the motion for attorney fees (ECF No. 22) to the extent that counsel is awarded the sum of \$12,930.46, to be added to the previously retained \$3,167.04 from the EAJA fee award . The remaining withheld funds go to Plaintiff.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE